

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 30 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JESUS GOMEZ RODRIGUEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 21-622

Agency No.  
A205-065-484

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted May 16, 2023\*\*

Before: BENNETT, MILLER, and VANDYKE, Circuit Judges.

Jesus Gomez Rodriguez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his applications for cancellation of removal and voluntary departure. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law. *Gomez-Lopez v.*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Ashcroft*, 393 F.3d 882, 885 (9th Cir. 2005). We deny the petition for review.

The BIA did not err in concluding that Gomez Rodriguez is statutorily precluded from establishing good moral character for cancellation of removal and voluntary departure because he was incarcerated, as a result of a conviction, for more than 180 days during the relevant periods. *See* 8 U.S.C.

§§ 1229b(b)(1)(B) (petitioner must have been a person of “good moral character” during the 10 years preceding the filing of an application for cancellation of removal), 1229c(b)(1)(B) (petitioner must have been a person of “good moral character for at least 5 years immediately preceding” the application for voluntary departure), 1101(f)(7) (applicant cannot be found to have good moral character, as a matter of law, if incarcerated for 180 days or more during the relevant period); *see also Arreguin-Moreno v. Mukasey*, 511 F.3d 1229, 1233 (9th Cir. 2008) (“[W]hen pre-trial detention is credited against the sentence imposed upon conviction, the period of pre-trial detention must be considered as confinement as a result of a conviction within the meaning of § 1101(f)(7).”).

The temporary stay of removal remains in place until the mandate issues.

**PETITION FOR REVIEW DENIED.**